

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JERRY A. WHITTAKER, et al.,	)	CASE NO. 1:08CV00300-DDD
)	
Plaintiffs,	)	JUDGE DOWD
)	
vs.)	
)	
DEUTSCHE BANK NATIONAL	)	<u>REISENFELD & ASSOCIATES' RULE</u>
TRUST COMPANY, et al.,	)	<u>12(b)(6) AND 12(b)(1) MOTION TO</u>
	)	<u>DISMISS FOR FAILURE TO STATE A</u>
	)	<u>CLAIM UPON WHICH RELIEF MAY</u>
Defendants.	)	<u>BE GRANTED AND/OR TO DISMISS</u>
	)	<u>THE INSTANT ACTION FOR LACK</u>
	)	<u>OF SUBJECT MATTER</u>
	)	<u>JURISDICTION</u>

Pursuant to Rule 12(b)(6) and 12(b)(1) of the Federal Rules of Civil Procedure, Defendant, Reisenfeld & Associates ("Reisenfeld"), hereby moves this Court for: (1) an Order dismissing the Plaintiffs' Complaint on the grounds that, as a matter of law, Plaintiffs lack standing to assert any claims against Defendant Reisenfeld; (2) and/or an Order dismissing Plaintiffs' Complaint for failure to allege facts establishing a violation of the Fair Debt Collection Practices Act and the subject matter jurisdiction of this Court.

This Motion is supported by a Memorandum of Law which is being filed contemporaneously herewith.

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP

By: /s/Orville L. Reed, III

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Orville L. Reed, III